

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAJNISH ARORA

433 Meadow Lane
Wooster OH 44691,

Plaintiff,

v.

ICUP, INC.

1152 Markkress Rd, Suite 200
Cherry Hill, NJ 08003

Defendants.

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Case No.:

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JURY TRIAL DEMANDED

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COMPLAINT

For his Complaint against Defendant ICUP, Inc. ("ICUP"), Plaintiff Rajnish Arora ("Arora") alleges as follows:

THE PARTIES

1. Arora is a resident of Wooster, Ohio.
2. Upon information and belief, ICUP is a corporation organized and existing under the laws of the State of New Jersey and has a principal place of business at 1152 Markkress Rd, Cherry Hill, NJ 08003.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, *et seq.*
4. The Court has personal jurisdiction over ICUP because ICUP has sold and offered for sale products that infringe Arora's patents in this State and in this District,

thereby causing injury to Arora in this judicial district, and has otherwise generally subjected itself to jurisdiction by general sales of products in this State and in this District.

VENUE

5. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b),(c) and 1400(b).

THE PATENTS

6. On March 18, 2014, United States Letters Patent No. D701,079 S (“the ‘079 Patent”) entitled “Caped Koozie,” was duly and legally issued to Arora as the named inventor. A true and correct copy of the ‘079 Patent is attached to this Complaint as Exhibit A.

7. On September 2, 2014, United States Letters Patent No. D712,198 S (“the ‘198 Patent”) entitled “Caped Drinkware,” was duly and legally issued to Arora as the named inventor. A true and correct copy of the ‘198 Patent is attached to this Complaint as Exhibit B.

COUNT 1 – INFRINGEMENT OF U.S. PATENT NO. D701,079

8. Arora incorporates by reference the allegations set forth in paragraphs 1 through 7 as if fully rewritten herein.

9. On information and belief, ICUP is infringing the ‘079 Patent by manufacturing, importing, using, offering to sell and selling products that infringe the ‘079 Patent.

10. In addition to direct sales, ICUP is producing for re-sale by retailers in Ohio products that infringe on the ‘079 Patent.

11. The design of ICUP’s infringing products embodies the design of the products for which Arora holds the ‘079 Patent. Specifically, when viewed together and in light of the prior art, ICUP’s infringing products and Arora’s products for which Arora

holds the '079 product are substantially similar, including but not limited to ICUP's incorporation on its cylindrical Koozie of a cape with a scalloped lower edge.

12. On information and belief, ICUP's foregoing acts of infringement have been and continue to be willful and deliberate.

13. Arora has been damaged, in an amount to be determined, by ICUP's acts of infringement and will continue to be damaged by such acts in the future, including but not limited to the fact that ICUP's manufacture and sale of infringing products generate revenues retained by ICUP that would otherwise inure to the benefit of Arora as a result of its sales of its patented products.

COUNT 2 – INFRINGEMENT OF U.S. PATENT NO. D712,198 S

14. Arora incorporates by reference the allegations set forth in paragraphs 1 through 13 as if fully rewritten herein.

15. On information and belief, ICUP is infringing the '198 Patent by manufacturing, importing, using, offering to sell and selling products that infringe the '198 Patent.

16. Specifically, ICUP is offering for sale on its own website products that infringe the '198 Patent. Attached as Exhibit C is a true and accurate screenshot of a product for sale on ICUP's website that infringes on the '198 Patent.

17. In addition to direct sales, ICUP is producing for re-sale by retailers in Ohio products that infringe on the '198 Patent.

18. The design of ICUP's infringing products embodies the design of the products for which Arora holds the '198 Patent. Specifically, when viewed together and in light of the prior art, ICUP's infringing products and Arora's products for which Arora holds the '198 product are substantially similar, including but not limited to ICUP's incorporation on its cylindrical glassware of a cape with a scalloped lower edge.

19. On information and belief, ICUP's foregoing acts of infringement have been and continue to be willful and deliberate.

20. Arora has been damaged, in an amount to be determined, by ICUP's acts of infringement and will continue to be damaged by such acts in the future, including but not limited to the fact that ICUP's manufacture and sale of infringing products generate revenues retained by ICUP that would otherwise inure to the benefit of Arora as a result of its sales of its patented products.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Arora prays for judgment and seeks relief against ICUP:

- (a) For judgment that the '198 Patent has been infringed by ICUP;
- (b) For judgment that the '079 Patent has been infringed by ICUP;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by ICUP, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with ICUP, including related individuals and entities, customers, representatives, dealers and distributors;
- (d) For an award of actual damages;
- (e) For an award of pre-judgment and post-judgment interest, according to proof;
- (f) For an award of enhanced damages pursuant to 35 U.S.C. § 284;
- (g) For an award of attorney fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law, and for all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Arora demands a trial by jury of all issues triable of right by jury.

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